

Senate File 2241 - Introduced

SENATE FILE 2241
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3060)

A BILL FOR

1 An Act relating to the commission of a parole violation or a
2 criminal offense while on parole.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 908.1, Code 2018, is amended to read as
2 follows:

3 **908.1 Arrest of alleged parole violator — newly discovered**
4 **evidence.**

5 A parole officer having probable cause to believe that
6 any person released on parole has violated the parole plan
7 or the conditions of parole may arrest such person, or the
8 parole officer may make a complaint before a magistrate in the
9 judicial district in which the person is being supervised,
10 charging such violation, and if it appears from such complaint,
11 or from affidavits filed with it, that there is probable cause
12 to believe that such person has violated the parole plan or
13 the terms of parole, the magistrate shall issue a warrant for
14 the arrest of such person. If a parole officer has newly
15 discovered evidence which indicates that a person released on
16 parole should not have been granted parole originally, the
17 parole officer shall present the evidence to the board of
18 parole and the board may issue an order to rescind the parole.

19 Sec. 2. Section 908.10, unnumbered paragraph 1, Code 2018,
20 is amended to read as follows:

21 When a person is convicted and sentenced to incarceration
22 in this state for a felony committed while on parole, or is
23 convicted and sentenced to incarceration ~~under the laws of in~~
24 any other state of the United States or a foreign ~~government or~~
25 country for an offense committed while on parole, and which if
26 committed in this state would be a felony, the person's parole
27 shall be deemed revoked as of the date of the commission of the
28 new felony offense.

29 Sec. 3. Section 908.10A, unnumbered paragraph 1, Code 2018,
30 is amended to read as follows:

31 When a person is convicted and sentenced to incarceration
32 in a state correctional institution in this state for an
33 aggravated misdemeanor committed while on parole, or is
34 convicted and sentenced to incarceration ~~under the laws of in~~
35 any other state of the United States or a foreign ~~government or~~

1 country for an offense committed while on parole, and which if
2 committed in this state would be an aggravated misdemeanor, the
3 person's parole shall be deemed revoked as of the date of the
4 commission of the new aggravated misdemeanor offense.

5 Sec. 4. REPEAL. Section 908.7, Code 2018, is repealed.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill relates to the commission of a parole violation or
10 criminal offense while on parole.

11 Under the bill, a parole officer having probable cause
12 to believe that a person released on parole has violated
13 the parole plan or the conditions of parole may arrest such
14 person, or the parole officer may make a complaint before a
15 magistrate in the judicial district in which the person is
16 being supervised, and if probable cause exists, the magistrate
17 may issue a warrant for the person's arrest.

18 Current law specifies that if a person is convicted and
19 sentenced to incarceration under the laws of any other state
20 of the United States or a foreign government or country for an
21 offense committed while on parole, and which if committed in
22 this state would be an aggravated misdemeanor or felony, the
23 person's parole shall be revoked. The bill strikes references
24 to "under the laws of any other state" and references to
25 "foreign government" in both Code sections 908.10 and 908.10A,
26 thus providing that if a person is convicted and sentenced
27 to incarceration in any other state of the United States or
28 a foreign country for an offense committed while on parole,
29 and which if committed in this state would be an aggravated
30 misdemeanor or felony, the person's parole shall be revoked.

31 The bill repeals Code section 908.7, which allows an alleged
32 parole violator to waive the parole revocation hearing.